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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-60

SUSAN ELLIOTT, R.N.
2754 Olympia Drive
Carlsbad, CA 92008

A C C U S A T I O N

Registered Nurse License No. 312926

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing (Board).
2. On or about March 31, 1980, the Board issued Registered Nurse License Number 312926 to Susan Elliott (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein, and will expire on March 31, 2010, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

2 4. Section 2750 of the Business and Professions Code (Code) provides, in
3 pertinent part, that the Board may discipline any licensee, including a licensee holding a
4 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
5 2750) of the Nursing Practice Act.

6 5. Section 2761 of the Code states, in pertinent part:

7 "The board may take disciplinary action against a certified or licensed nurse or
8 deny an application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct . . .

10 " "

11 6. Section 125.3 of the Code provides, in pertinent part, that the Board may
12 request the administrative law judge to direct a licensee found to have committed a violation or
13 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
14 and enforcement of the case.

15 FIRST CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct)

17 7. Respondent is subject to disciplinary action under section 2761(a) in that
18 she committed unprofessional acts as while employed as a Registered Nurse. The circumstances
19 are as follows:

20 8. On or around August 12, 2006, Respondent was employed as a home care
21 nurse for Tender Loving Care Home Health Care (TLC) in San Diego, California. On that date,
22 Respondent was assigned to home health care patient, L.W. Respondent was to perform a
23 comprehensive assessment to determine if L.W. would be recertified for an additional 60-days in
24 home health care.

25 9. Respondent submitted documentation dated August 12, 2006, certifying
26 that the assessment was completed on that date. The document also contained L.W.'s signature,
27 but did not match prior signatures. Respondent also submitted documentation that she visited
28 L.W. on that date.

10. However, it was determined at a team conference that L.W. was an inpatient on August 12, 2006, not a home health care patient. Respondent would not have performed a reassessment on L.W. on that date.

11. Respondent subsequently contacted the Administrator/Director of Clinical Services of TLC, stating that she had been very busy and completed L.W.'s documentation on a date other than August 12, 2006. Respondent also contacted the payroll specialist of TLC asking her to "back out" the L.W. visit, and stated that she would correct and re-submit her timesheet.

12. The TLC payroll specialist also discovered that Respondent submitted another visit note indicating that she visited L.W. in order to perform wound care. Respondent was not scheduled to perform this visit, but the LVN who was scheduled for the visit submitted the proper visit note. Respondent subsequently admitted that she submitted falsified clinical notes for services to L.W.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 312926, issued to Susan Elliott;

2. Ordering Susan Elliott to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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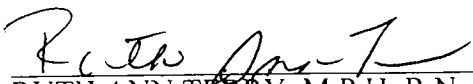
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3. Taking such other and further action as deemed necessary and proper.

DATED: 9/16/08


RUTH ANN TERRY, M.P.H, R.N.
Executive Officer
Board of Registered Nursing
State of California

Complainant

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